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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/357,277 07/20/99 MARKHAM

J F96.6CIP

FIELD & JOHNSON PC
1700 LINCOLN STREET
SUITE 3030
DENVER CO 80203

PM82/1025

EXAMINER

SWIATEK, R

ART UNIT

PAPER NUMBER

3643

DATE MAILED:

10/25/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

PM51/0113

FIELDS & JOHNSON PC
1700 LINCOLN STREET
SUITE 3030
DENVER CO 80203

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/357,277	07/20/99	018	SWIATEK, R 3643	10/25/99
First Named Applicant	MARKHAM, JOSEPH P.			

TITLE OF INVENTION PET TOY PRODUCT WITH INTEGRAL TREATS RECEIVING RECEPTACLES
(AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	F96.6CIP	119-710.000	D36 UTILITY	YES	\$605.00	01/25/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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09/357,277	07/20/99	018	SWIATEK, R	3643 10/25/99
First Named Applicant	MARKHAM, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION PET TOY PRODUCT WITH INTEGRAL TREATS RECEIVING RECEPTACLES RECEIVING RECEPTACLES

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Notice of Allowability

Application No.
09/357,277

Applicant(s)
Markham et al.

Examiner
Robert P. Swiatek

Group Art Unit
3643



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to amendment filed 7 Oct. 1999; telephone interview of 15 Oct. 1999.

☒ The allowed claim(s) is/are 1-3, 5-13, and 16-21.

☒ The drawings filed on 20 Jul 1999 are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Robert P. Swiatek

ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 3643

Art Unit: 3643

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gary D. Fields on 15 October 1999.

The application has been amended as follows: In claim 5, line 4, the word --individual-- has been inserted after "different"; in claim 17, line 1, "for" has been deleted, in lines 8, 9, the phrase "sized to be" has been deleted; in claim 18, line 4, "treat is" has been changed to --treats are--; in claim 21, line 1, "for" has been deleted, in line 8, the phrase "sized to be" has been deleted.

This case is being passed to issue with allowed claims 1-3, 18, 5-9, 19, 10, 11, 20, 12, 13, 16, 17, 21, renumbered as claims 1-18.

RPS: ©703/308-2700
18 October 1999--d.13

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 383 3643

Art Unit: 3643

The following is an examiner's statement of reasons for allowance: The claims in this application have been allowed because the prior art does not disclose a pet toy product including a molded body member having a side wall of a substantially uniform thickness, and a plurality of recesses formed in the side wall, with edible treats wedged into the recesses such that resilient side surfaces of the recesses hold the treats therein. Various additional independent claims recite embodiments of the pet toy product, as well as a method of entertaining an animal using the product, none of which are anticipated or rendered obvious by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The references to Smith (848,136 and 1,031,095) and Houghton et al. (5,343,828) have been cited to provide examples of pertinent prior art.

RPS: ©703/308-2700
18 October 1999--d.13

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT ~~383~~ 3643